



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clyde R. Wallace, Jr
5241 Savoy Court
Cape Coral FL 33904

COPY MAILED

JAN 16 2009

In re Patent No. 6,920,560
Issued : July 19, 2005
Application No. 10/004,265
Filed: October 31, 2001
Attorney Docket No. WALPT01C1

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on December 10, 2008.

The petition is **DISMISSED AS MOOT**.

The record reflects that a Notice of Allowance and Issue Fee Due was mailed September 14, 2004, requiring payment of the issue fee in the amount of \$665.00 and payment of the publication fee in the amount of \$300.00. The Notice allowed a statutory period for reply of three months from its mailing date. On December 14, 2004, petitioner paid the amount set forth in the Notice. On June 14, 2005, a Notice to Pay Balance of Issue Fee was mailed indicating that the amount of the issue fee increased on October 1, 2005, to \$700.00 and allowed petitioner a three month period in which to file the deficient amount. Petitioner did not pay this amount. Notwithstanding, the application matured into the subject patent on 6,920,560. Petitioner now files the instant petition requesting withdrawal of the abandonment of the application based on non-receipt of the Notice to Pay Balance of Issue Fee and remits additional monies for payment of the issue fee for the application.

A review of the application file history reveals that a request to change the correspondence address for the application was filed on December 14, 2004—prior to the mailing of the Notice to Pay Balance of Issue Fee. A review of the application file history reveals that an error was made by the Office in entering the new address in Office records; the Notice to Pay Balance of Issue Fee was returned as undeliverable, accordingly. It is evident that petitioner did not respond to the Notice to Pay Balance of Issue Fee because it was not received. The petition must be dismissed as moot, however, because the application has already issued into a patent, notwithstanding the inadvertent failure of the petitioner to pay the full amount due for the issue fee. The monies remitted for the issue fee on December 10, 2008, are accepted. No further consideration of this matter is necessary.

The address of record for this patent has been corrected in Office records.

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions